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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all similarly
situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No.: 5:20-cv-03664-LHK

**PLAINTIFFS' MOTION FOR LEAVE TO
SUBMIT ADDITIONAL BRIEFING
CONCERNING DISPUTES P1 AND P2**

**PLAINTIFFS' MOTION FOR LEAVE TO SUBMIT
ADDITIONAL BRIEFING CONCERNING DISPUTES P1 AND P2**

Pursuant to the Court's July 30 order (Dkt. 227), and as noted in the joint submission (Dkt. 288), Plaintiffs respectfully request leave to submit additional briefing in advance of the August 12 hearing concerning the disputed Google custodians and searches (Disputes P1 and P2).

Given the approaching fact discovery deadline (November 2), Plaintiffs believe additional briefing is necessary to timely resolve these custodian and search term disputes. Google objected to providing the Court with additional information about these disputes in the joint submission, and Plaintiffs wish to give the Court, in advance of the August 12 hearing, the information needed to address and resolve this dispute. That way, the parties can avoid a situation where additional briefing is needed after the hearing and avoid further delay.

In the joint submission, Plaintiffs request that the Court set a September 10 deadline for Google to substantially complete its additional custodial productions, so that Plaintiffs have time to review those documents, prepare for depositions in late September and October, and issue any additional discovery requests based on information learned during those depositions, including additional deposition notices. Given Google's ongoing obstruction, including refusing to provide a single line of non-public source code (which Plaintiffs requested in October 2020) and identifying the data collected by Google while people privately browse the web, Plaintiffs are left with few discovery avenues, and Plaintiffs must proceed with reasonably targeted depositions. To ensure Google can meet its obligation to timely produce documents in advance of those depositions, Plaintiffs seek an order from the Court regarding Disputes P1 and P2 at or shortly after the August 12 hearing.

Plaintiffs' submission would include one paragraph for each disputed custodian, explaining why that person should be a custodian, and an explanation for the additional searches proposed by Plaintiffs. Plaintiffs already provided this information to Google, and Plaintiffs now seek to provide this information to the Court. Plaintiffs propose the following schedule: by August 5, Plaintiffs will file a motion seeking additional Google custodians and searches; by August 9,

1 Google shall file any response; by August 10, Plaintiffs may file any reply.

2 If the Court wishes, Plaintiffs can alternatively coordinate with Google on a joint filing in
3 advance of the August 12 hearing. Given the large number of disputed custodians, Plaintiffs also
4 respectfully request leave to submit more than 2.5 pages, with Plaintiffs committed to keeping the
5 submission as short and succinct as possible.

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7 Respectfully submitted,

8 Dated: August 3, 2021

BOIES SCHILLER FLEXNER LLP

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10 By: /s/ Mark C. Mao

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